REMARKS

I. Claim Rejections – 35 U.S.C. § 103

Requirements for Prima Facie Obviousness

The obligation of the Examiner to go forward and produce reasoning and evidence in support of obviousness under 35 U.S.C. §103 is clearly defined at M.P.E.P. §2142:

> The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

M.P.E.P. §2143 sets out the three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness necessary for establishing a rejection to a claim under 35 U.S.C. §103:

> 1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
>
> 2. a reasonable expectation of success; and
>
> 3. the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).

It follows that in the absence of such a *prima facie* showing of obviousness under 35 U.S.C. §103 by the examiner (assuming there are no objections or other grounds for rejection), an Applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992).

Thus, in order to support an obviousness rejection under 35 U.S.C. §103, the Examiner is obliged to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met. If the Examiner fails to produce such a conclusion for each of the aforementioned criteria, the rejection must be withdrawn.

Hind in view of Gupner

Claims 1-2, 11, 14-15, 17-18, 27, 30-31 were rejected by the Examiner 35 U.S.C. 103(a) as being unpatentable over Hind et al (US 2002/0161801) (hereinafter Hind) in view of Gupner et al (US pat 6195709).

Regarding claim 1, the Examiner argued hat Hind discloses routing said object over said distributed computer network utilizing an object router, which can parse said object and apply said associated processing information contained within said object, thereby permitting said object router to become self-programmed for varying data formats. In support of this argument, the Examiner cited paragraph 33-34, pg. 4 of Hind. The Examiner admitted that Hind does not expressly disclose designating an object which comprises a self-contained module of data and associated processing information.

The Examiner, argued, however, Gupner teaches designating an object which comprises a self-contained module of data and associated processing information. In support of this argument, the Examiner cited column 1, lines 45-47 of Gupner.

The Examiner asserted that it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Gupner to the method of Hind to have the object being self-contained for the purpose of easier to debug, maintain, and enhance object oriented software. In support of this argument, the Examiner again cited column 1, lines 60-61 of Gupner.

The Applicant respectfully disagrees with this assessment. First, the Applicant notes paragraphs 33-34 on page 4 of Hind does not make any mention or teaching of the self programming of varying data formats. Additionally, paragraphs 33-34 on page 4 of Hind does not mention or teach an object-oriented router that interacts with objects comprising a self-contained module of data and associated processing information. Such features are clearly not mentioned in paragraphs 33-34, page 4 of Hind. For example, the Applicant has not described or referenced specific portions of Hind that clearly teach associated processing information in association

with an object-oriented router and a self-contained module of data, particularly in light of the Applicant's definition of a "self-contained" module. Applicant, on the other hand, describes such self-contained object features in FIG. 3 of Applicant's specification. Applicant's specifically describe this "self contained" aspect on pages 18-19 of Applicant's specification:

> Current XML technology permits applications that exchange XML documents to ensure that the document is formed correctly. The interpretation of the XML documents, however, and their data elements for the purpose of computation, decisions, routing and storage are typically found in proprietary software, which is resident inside application software that is separate from the XML document. That is, XML provides no standard technique for two applications in communication to interpret and apply the same business logic to a given XML document.
>
> The "object-oriented routing" technique described in this invention disclosure enables software methods 54 (i.e., shown in the middle of XML document 52) applicable to the XML document content (i.e., DTD/Schema as well as the data) to be specified along with the document. Note that the acronym "DTD" refers generally to "Document Type Definition." Therefore, the object-oriented routing technique described herein can enable transformation of "self-describing data" to "self-contained data". Any of the four object derivation scenarios 1-4 illustrated in FIG. 1 can be utilized to derive the software methods that belong to a "self-contained object".

Thus, any reference to XML in paragraphs 33-34 of Hind does not refer to self-contained objects as taught by Applicant's specification. Regarding Gupner, the Applicant notes that column 1, lines 60-61 of Gupner refers only to the fact that "in object oriented technology it is generally easier to debug, maintain and enhance objected oriented software..." This language does not mention, teach or suggest self-contained objects as described above, particularly with respect to any teaching of object-oriented routing, which is lacking in both Hind and Gupner. In fact, contrary to the Examiner's assertion, both Hind and Gupner do not provide for any teaching of any technique for permitting two applications in communication to interpret and apply the same logic to a given XML document, which is provided by Applicant's specification and claims as indicated above.

Additionally, the Applicant's note that claim 1 as amended also incorporates the step of permitting the object oriented router to construct the object by dynamically downloading the associated processing information corresponding to

data received from an external data source. Such a feature is not taught, suggested or disclosed by Hind and/or Gupner.

The Applicant therefore submits that the Examiner's rejection fails under all three prongs of the aforementioned prima facie obviousness test. First, the Examiner has not provided some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings to derive all of the claim limitations taught by Applicant's claim 1. Second, the Examiner has not provided a reasonable expectation of success for success a modification, particularly in light of the fact that neither Hind nor Gupner, alone or in combination with one another teach object-oriented routers and self-contained objects, as indicated above. Third, the Examiner has not provided for a satisfactory explanation of the teaching or suggestion of all the claim limitations by the prior art references when combined of each and every claim limitation of Applicant's claim 1.

The Applicant further points out to the Examiner that the language of the references may not taken out of context and combined them without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. The claims are rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed.

The rejections under 35 U.S.C. §103(a) have provided no more motivation than to simply point out the individual words of the Applicant's claims among the references. Without a basis and reason for rejections to Applicant's claims and specification (e.g., without reason as to why and how the references could be combined to provide the Applicant's invention as claimed), the Examiner's analysis may be viewed as incorporating the benefit of hindsight. Hindsight cannot be a

basis for providing motivation, and is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection.

Based on the foregoing, the Applicant submits that the rejection to amended claim 1 has been traversed. The Applicant therefore respectfully requests withdrawal of the rejection to claim 1 under 35 U.S.C. §103(a).

Regarding claim 2, the Examiner argued that Hind-Gupner discloses object router comprises an object oriented router. The Examiner cited paragraphs 33-34, pg. 4 of Hind with reference to XML is an instant of object oriented in support of this argument. The Applicant respectfully disagrees with this assessment and notes that as argued above, Hind-Gupner do not teach either alone or in combination with one another, object-oriented routing and self-contained objects (as taught by Applicant's specification). The Applicant additionally notes that in view of the Applicant's cancellation of claim 2 by amendment as indicated herein, the Examiner's arguments with respect to claim 2 are now rendered moot.

Regarding claim 11, the Examiner argued that Hind-Gupner discloses associated processing information comprises at least one software method. In support of this argument, the Examiner cited page 4, paragraph 33-34 of Hind, referencing software or instructions for carrying out the translation. The Applicant respectfully disagrees with this assessment. The Applicant notes that software or instructions for carrying out a translation as taught by Hind does not teach or disclose all of the features of Applicant's amended claim 10 including each and every claim limitation of the claims from which claim 11 depends – i.e., claim 1, claim 10, etc. Also, the Applicant submits that all of the arguments presented above against the rejection to claim 1 under 35 U.S.C. §103(a) apply equally to the rejection to claim 11. Therefore, the Applicant submits that the rejection to claim 11 under35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 11.

Regarding claim 14, the Examiner argued that Hind-Gupner discloses object router can route proprietary data. In support of this argument, the Examiner cited Hind, pg. 3, paragraphs 19-20. The Applicant respectfully disagrees with this assessment. The Applicant notes that paragraphs 19-20, page 3 of Hind, do not

make any mention of proprietary data, particularly in combination with all of the claim limitations taught by the claims from which claim 14 depends. Instead, paragraph 19, page 3 of Hind refers only to XML documents and mXML machine oriented notation, while paragraph 20, page 3 of Hind refers only to XML conversion into mXML. Such sections of Hind cited by the Examiner do not mention the use of proprietary data. Additionally, the Applicant notes that all of the arguments presented above against the rejection to claim 1 under 35 U.S.C. §103(a) apply equally to the rejection to claim 14. Therefore, the Applicant submits that the rejection to claim 14 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 14.

Regarding claim 15, the Examiner argued that Hind-Gupner discloses that an object router can route standard data. In support of this argument, the Examiner cited Hind pg. 3, paragraphs 19-20. The Applicant respectfully disagrees with this assessment. The Applicant notes that any mention of standard data by Hind is irrelevant in light of the fact that Hind-Gupner does not teach all of the claim limitations of the base claim 10, including intervening claims thereof, as indicated above. The Applicant notes that all of the arguments presented above against the rejection to claim 1 under 35 U.S.C. §103(a) apply equally to the rejection to claim 15. Therefore, the Applicant submits that the rejection to claim 15 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 15.

Regarding claim 17, the Examiner argued that the limitations are similar to limitations of claim 1 therefore rejected for the same rationale as claim 1. The Applicant respectfully disagrees with this assessment and asserts that all of the arguments presented above against the rejection to claim 1 under 35 U.S.C. §103(a) apply equally to the rejection to claim 17. Therefore, the Applicant submits that the rejection to claim 17 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 17.

Regarding claim 18, the Examiner argued that the limitations are similar to limitations of claim 2 therefore rejected for the same rationale as claim 2. The Applicant respectfully disagrees with this assessment and notes that all of the arguments presented above against the rejection to claim 2 under 35 U.S.C. §103(a) apply equally to the rejection to claim 18. Therefore, the Applicant submits that the rejection to claim 18 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 18.

Regarding claim 27, the Examiner argued that the limitations are similar to limitations of claim 11 therefore rejected for the same rationale as claim 11. The Applicant respectfully disagrees with this assessment and notes that all of the arguments presented above against the rejection to claim 11 under 35 U.S.C. §103(a) apply equally to the rejection to claim 27. Therefore, the Applicant submits that the rejection to claim 27 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 27.

Regarding claim 30, the Examiner argued that the limitations are similar to limitations of claim 14 therefore rejected for the same rationale as claim 14. The Applicant respectfully disagrees with this assessment and notes that all of the arguments presented above against the rejection to claim 14 under 35 U.S.C. §103(a) apply equally to the rejection to claim 30. Therefore, the Applicant submits that the rejection to claim 30 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 30.

Regarding claim 31, the Examiner argued that the limitations are similar to limitations of claim 15 therefore rejected for the same rationale as claim 15. The Applicant respectfully disagrees with this assessment and notes that all of the arguments presented above against the rejection to claim 15 under 35 U.S.C. §103(a) apply equally to the rejection to claim 31. Therefore, the Applicant submits that the rejection to claim 31 under 35 U.S.C. §103(a) has been traversed. The

Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 31.

Hind, Gupner in view of Hossain

The Examiner further rejected claims 3-10, 12-13, 16, 19-26, 28-29, 32 under 35 U.S.C. 103(a) as being unpatentable over Hind and Gupner as applied to claim 1 above, and further in view of Hossain (US 2002/0133532).

Regarding claim 3, the Examiner argued that Hind-Gupner discloses all the limitation of claim 1 above but the combination does not disclose object router to construct said object by dynamically downloading said associated processing information corresponding to data received from an external data source.

The Examiner further argued that Hossain teaches object router to construct said object by dynamically downloading said associated processing information corresponding to data received from an external data source. In support of this argument, the Examiner cited Hossain, pg. 3, paragraph 37-38.

The Examiner asserted that it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Hossain to the method of Hind-Gupner to receive the processing data from external source for the purpose of easier to maintain or enhance the routers.

The Applicant respectfully disagrees with this assessment and notes that all of the arguments the arguments presented above against the rejection to claim 1 under 35 U.S.C. §103(a) apply equally to the rejection to claim 3, because claim 3 is dependent upon claim 1. Thus, as indicated earlier, Hind-Gupner does not teach all of the claim limitations of claim 1, and hence, all of the claim limitations of independent claim 3. Applicant also notes that in light of the cancellation of claim 3 by amendment as indicated herein, the Examiner's arguments with respect to claim 3 are now rendered moot.

Regarding page 3, paragraphs 37-38 of Hossain, however, the Applicant notes that Hossain does <u>not</u> teach or suggest permitting an object oriented router to

construct said object by dynamically downloading said associated processing information corresponding to data received from an external data source. Instead, paragraphs 37-38 refers to the use of programmed devices/mediums such as microprocessors, digital signal processors, memory cards and so forth, in addition to the use of a load balancing unit. However, none of these features taught by Hossain hint at or teach permitting an object oriented router to construct said object by dynamically downloading said associated processing information corresponding to data received from an external data source. Note that claim 3 previously referred to the use of a self-contained object as defined in Applicant's specification. Such a self-contained object is simply not taught by Hossain. In light of these arguments and the cancellation of claim 3 by amendment, the Applicant respectfully requests withdrawal to the rejection to claim 3.

Regarding claim 4, the Examiner argued tat Hind-Gupner-Hossain discloses constructing said object utilizing an end device by packaging said data and said associated processing information; and transmitting said object to said object router. In support of this argument, the Examiner cited Gupner, col. 3, lines 11-67). The Applicant notes that Gupner, col. 3, lines 11-67 does not refer to the two steps of packaging said data and said associated processing information; and transmitting said object to an object oriented router. Instead, Gupner, col. 3, lines 11-67 only refers to a particular definition of an object and a proxy object in the context of a method for providing persistency for transient oriented objects. The Examiner has not cited any specific language in Gupner, col. 3, lines 11-67, which specifically refers to the steps of utilizing an end device by packaging said data and said associated processing information; and transmitting said object to said object router. Additionally, the Applicant notes that in light of the cancellation of claim 3 by amendment herein, upon which claim 4 was previously dependent, the Examiner's arguments with respect to claim 4 are rendered moot. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 4.

Regarding claim 5, the Examiner argued that Hind-Gupner-Hossain discloses routing said data and said associated processing information utilizing an object router, such that said data and said associated processing information may be utilized by a subsequent object router to continue routing said data further through said distributed computer network. In support of this argument, the Examiner cited Hind pg. 4, paragraph 33-34. The Applicant respectfully disagrees with this assessment and notes that the Examiner has not cited any specific language in Hind pg. 4, paragraph 33-34, which teaches routing said data and said associated processing information utilizing an object router, such that said data and said associated processing information may be utilized by a subsequent object router to continue routing said data further through said distributed computer network, particularly in light of the fact that Hind does not teach an object-oriented router or self-contained objects as defined by Applicant's specification.

Based on the foregoing, the Applicant submits that the Examiner has failed to satisfy all three conditions of the above-referenced prima facie obviousness, particularly because the Examiner has not provided a motivation for combining the Hind, Gupner and Hossain references to teach ALL of the limitations of Applicant's amended claim 5, including all of the claim limitations of the claims from which claim 5 depends, including any intervening claims thereof. Additionally, in light of the cancellation of claim 3 by amendment as indicated herein, it is believed that the Examiner's arguments with respect to claim 5 are rendered moot. That is, claim 5 depends from claim 4, which depends from the cancelled claim 3 from the Examiner's arguments stem. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 5.

Regarding claim 6, the Examiner argued that Hind-Gupner-Hossain discloses subsequent object router comprises a next-hop object router (see Hind pg. 4, paragraph 33, plurality of routers). The Applicant respectfully disagrees with this assessment. Hind at page 4, paragraph 33, does not make any mention of a next hop object oriented router. The Examiner's citation of a "plurality of routers" does not provide any teaching for a next hop object oriented router configuration, merely

a statement that a group of routers exist. Additionally, the Applicant submits that the Examiner's arguments have failed to satisfy all three conditions of the above-referenced prima facie obviousness, particularly because the Examiner has not provided a motivation for combining the Hind, Gupner and Hossain references to teach ALL of the limitations of Applicant's amended claim 6, including all of the claim limitations of the claims from which claim 6 depends, including any intervening claims thereof. Additionally, in light of the cancellation of claim 3 by amendment as indicated herein, it is believed that the Examiner's arguments with respect to claim 6 are rendered moot. That is, claim 6 depends from claim 5, which depends from claim 4, which in turn depends from the cancelled claim 3 from the Examiner's arguments stem. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 6.

Regarding claim 7, the Examiner argued that Hind-Gupner-Hossain discloses downloading other associated processing information utilizing a received object; and thereafter constructing a new object. In support of this argument, the Examiner cited Hind paragraph 33-34 and Hossain pg. 3, paragraph 37-38. The Applicant respectfully disagrees with this assessment and notes that in both cases (Hind and Hossain); no mention is made of an object-oriented router and the use of a self-contained object as defined by Applicant's specification. The Examiner has not identified such features, particularly in association with the steps of downloading other associated processing information utilizing a received object; and thereafter constructing a new object. The Examiner has also not provided a motivation for combining Hind-Gupner-Hossain in the manner suggested in order to teach all of the claim limitations of Applicant's claim 7, particularly without reference to any specific features in Hind paragraph 33-34 and Hossain pg. 3, paragraph 37-38.

The Applicant again reminds the language of the references may not taken out of context and combined them without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield all of the claim limitations of Applicant's claim 7, including all of the claim limitations of the claim(s)

from which claim 7 depends. Claim 7 has been rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the claim limitations of clam 7.

The rejection to claim 7 under 35 U.S.C. §103(a) have provided no more motivation than to simply point out the individual words of the Applicant's claim among the references. Without a basis and reason for rejections to Applicant's claims and specification (e.g., without reason as to why and how the references could be combined to provide the Applicant's invention as claimed), the Examiner's analysis may be viewed as incorporating the benefit of hindsight. Hindsight cannot be a basis for providing motivation, and is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection. Based on the foregoing, the Applicant submits that the aforementioned rejection to claim 7 has been traversed. The Applicant respectfully requests withdrawal of the rejection to claim 7.

Regarding claim 8, the Examiner argued that Hind-Gupner-Hossain discloses object router can utilize said data or said associated processing information embedded in said object to download said other set of associated processing information (see Hossain pg. 3, paragraph 37-38, downloading instructions from other source or internal source). The same motivation was utilized in claim 3 applied equally well to claim 8. The Applicant respectfully disagrees with this assessment and notes that all of the arguments presented above against the rejection to claim 3 under 35 U.S.C. §103(a) apply equally to the aforementioned rejection to claim 8. Therefore, the Applicant submits that the rejection to claim 8 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 8.

Regarding claim 9, the Examiner argued that Hind-Gupner-Hossain discloses object router can utilized said data or said associated processing information embedded in said object to download said other set of associated processing information to augment current associated processing information (see Hossain pg. 3, paragraph 37-38, downloading instructions from other source or internal source).

The same motivation was utilized in claim 3 applied equally well to claim 9. The Applicant respectfully disagrees with this assessment that all of the arguments presented above against the rejection to claim 3 under 35 U.S.C. §103(a) apply equally to the aforementioned rejection to claim 9. Therefore, the Applicant submits that the rejection to claim 9 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 9.

Regarding claim 10, the Examiner argued that Hind-Gupner-Hossain discloses object router can utilize said data or said associated processing information embedded in said object to download said other set of associated processing information to replace said current associated processing information. In support of this argument, the Examiner cited Hind pg. 4, paragraph 33-34, translating from one format to other format. The Applicant respectfully disagrees with this assessment and notes that Applicant's claim limitation that the object oriented router can utilize said data or said associated processing information embedded in said object to download said other set of associated processing information to replace said current associated processing information is not taught, suggested or disclosed by Hind, Gupner or Hossain either alone or in combination with one another. Page 4, paragraphs 33-34 refers only to the translation of formats, but makes no mention of processing information embedded in a self-contained object as defined by Applicant's specification or the replacement of current processing information. Therefore, the Applicant submits that the rejection to claim 10 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 10.

Regarding claim 12, the Examiner argued that Hind-Gupner-Hossain discloses at least one software method is present within said object. The Examiner cited Gupner, column 1, lines 45-47 in support of this argument and argued that the same motivation utilized in claim 1 applies equally well to claim 12. The Applicant respectfully disagrees with this assessment and note that the Examiner's argument with respect to claim 12 is irrelevant in light of the amendments to claim 12 and the fact that all of the arguments presented by the Applicant herein against the

rejection to claim 1 apply equally to the rejection to claim 12 by the Examiner. That is, Hind, Gupner and/or Hossain fail to teach all of the claim limitations of Applicant's claim 1, as indicated previously. Thus, claim 12 depends indirectly from claim 1 and therefore Hind, Gupner and/or Hossain fail to teach all of the claim limitations of claim 12. Based on the foregoing, the Applicant submits that the rejection to claim 12 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 12.

Regarding claim 13, the Examiner argued that Hind-Gupner-Hossain discloses at least one software method is associated with said object (see Gupner col. 1, lines 45-47). The same motivation was utilized in claim 1 applied equally well to claim 13. The Applicant respectfully disagrees with this assessment and note that the Examiner's argument with respect to claim 13 is irrelevant in light of the amendments to claim 13 and the fact that all of the arguments presented by the Applicant herein against the rejection to claim 1 apply equally to the rejection to claim 13 by the Examiner. That is, Hind, Gupner and/or Hossain fail to teach all of the claim limitations of Applicant's claim 1, as indicated previously. Thus, claim 13 depends indirectly from claim 1 and therefore Hind, Gupner and/or Hossain fail to teach all of the claim limitations of claim 13. Based on the foregoing, the Applicant submits that the rejection to claim 13 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 13.

Regarding claim 16, the Examiner argued that the limitations of claim 16 are the combinations of claims 3-7, therefore rejected for the same rationales as above. The Applicant respectfully disagrees with this assessment and note that the Examiner's argument with respect to claim 16 is irrelevant in light of the amendments to claims 3-7 and the fact that all of the arguments presented by the Applicant herein against the rejection to claims 1 and 3-7 apply equally to the rejection to claim 13 by the Examiner. That is, Hind, Gupner and/or Hossain fail to teach all of the claim limitations of Applicant's claim 13, as indicated previously. Thus, claim 13 depends indirectly from claim 1 and 3-7 and therefore Hind, Gupner

and/or Hossain fail to teach all of the claim limitations of claim 13. Based on the foregoing, the Applicant submits that the rejection to claim 13 under 35 U.S.C. §103(a) has been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 13.

Regarding claims 19-26, the Examiner argued that the limitations are similar to claims 3-10 respectively, therefore rejected for the same rationale as claims 3-10. The Applicant respectfully disagrees with this assessment and notes that the arguments presented above against the rejection to claim 3-10 apply equally to the rejection to claims 19-26. Therefore, the Applicant submits that the rejection to claims 19-26 has also been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claims 19-26.

Regarding claims 28-29, the Examiner argued that the limitations are similar to claims 12-13 respectively, therefore rejected for the same rationale as claims 12-13. The Applicant respectfully disagrees with this assessment and notes that the arguments presented above against the rejection to claim 12-13 apply equally to the rejection to claims 28-29. Therefore, the Applicant submits that the rejection to claims 28-29 has also been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claims 28-29.

Regarding claim 32, the Examiner argued that the limitations of claim 32 are similar to claim 16, therefore rejected for the same rationale as claim 16. The Applicant respectfully disagrees with this assessment and notes that the arguments presented above against the rejection to claim 16 apply equally to the rejection to claim 32. Therefore, the Applicant submits that the rejection to claim 32 has also been traversed. The Applicant therefore respectfully requests withdrawal of the aforementioned rejection to claim 32.

The Applicant further points out to the Examiner that the language of the references may not taken out of context and combined them without motivation, in effect producing the words of claims 3-10, 12-13, 16, 19-26, 28-29, 32 (and sometimes, not even the words or concepts of claims 3-10, 12-13, 16, 19-26, 28-29, 32), without their meaning or context. The resultant combination would not yield the invention as claimed by claims 3-10, 12-13, 16, 19-26, 28-29, 32. Claims

3-10, 12-13, 16, 19-26, 28-29, 32 s have been rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield all of the claim limitations of the invention as claimed.

The rejection to claims 3-10, 12-13, 16, 19-26, 28-29, 32 under 35 U.S.C. §103(a) have provided no more motivation than to simply point out the individual words of the Applicant's claims among the references. Without a basis and reason for rejections to Applicant's claims and specification (e.g., without reason as to why and how the references could be combined to provide the Applicant's invention as claimed), the Examiner's analysis may be viewed as incorporating the benefit of hindsight. Hindsight cannot be a basis for providing motivation, and is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection.

Based on the foregoing, the Applicant submits that the rejection to claims 3-10, 12-13, 16, 19-26, 28-29, 32 has been traversed. The Applicant therefore respectfully requests withdrawal of the rejection to claims 3-10, 12-13, 16, 19-26, 28-29, 32 under 35 U.S.C. §103(a).

II. Conclusion

In view of the foregoing discussion, the Applicants have responded to each and every rejection of the Official Action, and respectfully request that a timely Notice of Allowance be issued.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call the Applicants' attorney at the below-indicated telephone number.

Dated: August 17, 2005

Respectfully submitted,

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